

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CARON BALKANY,

Plaintiff,

vs.

CIVIL NO. 00-1226 WWD/RLP

CONSECO and WASHINGTON
NATIONAL INSURANCE COMPANY,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION
FOR REHEARING OF HER MOTION TO
COMPEL COMPLIANCE WITH RESPECT
TO HER FIRST REQUEST FOR PRODUCTION,
AND HER FIRST AND SECOND INTERROGATORIES**

THIS MATTER having come before the court on Plaintiff's Motion for Rehearing of her Motion to Compel Compliance with Respect to her First Request for Production, and her First and Second Interrogatories (**Docket No. 51**), the court having read the motion, the memoranda in support of and in opposition to the motion and otherwise being fully advised, finds that the motion is not well taken and will be **denied**.

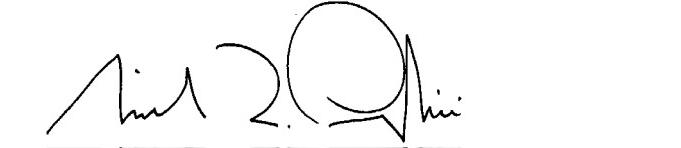
The motion for rehearing is a motion to reconsider. A motion to reconsider is appropriate where a court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the court by the parties, or has made an error not of reasoning, but of apprehension. *Huff v. UARCO, Inc.*, 925 F.Supp. 550, 561 (N.D. Ill. 1996). Another basis for a motion to reconsider would be a controlling or significant change in the law or facts since the submission of the issue to the court. *Id.*; see also,

Hayes v. Douglas Dynamics, Inc., 8 F.3d 88, 91 (1st Cir. 1993). However, a motion to reconsider is not appropriate to re-argue an issue already decided by the court. See, *Frederick v. Southeaster Penn. Transp. Auth.*, 926 F.Supp. 63, 64 (E.D. Pa. 1996).

Although the manner in which the original motion was presented to the court made the issues more difficult to understand, the court did go through the motion carefully and granted in part and denied in part the motion. Given the controlling law, there is simply no basis to reconsider the court's prior rulings.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Rehearing of her Motion to Compel Compliance with Respect to her First Request for Production, and her First and Second Interrogatories is denied.

IT IS SO ORDERED.



RICHARD L. PUGLISI
United States Magistrate Judge